

### **REMARKS**

Applicants respectfully request reconsideration of this application in view of the foregoing amendments and following remarks.

#### **Status of the Claims**

Claims 1-68 were originally pending in this application. Claims 1-16 and 60-68 were withdrawn after the restriction/election requirement. Claims 22-25, 27-30, 36-39, 41-44, 50-53 and 55-58 were cancelled. Claims 69-71 were added. As a result, claims 17-21, 26, 31-35, 40, 45-49, 54, 59, 69, 70 and 71 are currently pending. Claims 17, 31 and 45 are independent. By this Amendment, claim 17 is amended. No new matter has been added by this Amendment.

#### **Rejection under 35 U.S.C. §103**

Claims 17-21, 26, 31-35, 40, 45-49 and 54 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,389,179 to Katayama et al. ("Katayama") in view of U.S. Patent No. 5,864,360 to Okauchi et al. ("Okauchi").

The Examiner admits that "Katayama does not teach the finishing of an associating operation of images after a plurality of images, which have been sensed, are associated with each other upon reception of the instruction for changing the optical system condition of said image sensing lens from said optical system change instruction means after a first one of the plurality of images to be stored in said storage means in association with each other is sensed and stored." The Examiner then cites portions of Okauchi (i.e., col. 15, line 57 - col. 18, line 25; col. 23, lines 47-50) for the missing elements in Katayama.

As Applicants explained in the previous Amendment of August 5, 2003, one of the

aspects of the present invention as commonly featured in independent claims 17, 31 and 45 is finishing associating operation of images after a plurality of sensed images are associated with each other upon reception of the instruction for changing the optical system condition of said image sensing lens from said optical system condition change instruction means after a first one of the plurality of images to be stored in said storage means in association with each other is sensed and stored.

With the features of the present invention, when the instruction for changing the optical system condition is received, a plurality of already sensed images have been associated with each other so that these images are recognized to be included in the same group, and that associating operation is finished so that images sensed after the reception of the instruction are not associated with the images sensed before the reception of the instruction.

Okauchi discloses a multi-eye image pick-up apparatus which produces stereoscopic images using multiple video cameras (e.g., a first and second video cameras). When an initial power is supplied, the optical axis angle control means of Okauchi sets the first and second video camera portions at a predetermined optical axis angle. For this reason, it is said that the image pick-up operation can be started instantly after the power supply. When the optical axes of the first and second video cameras do not cross each other, in-focus detection is performed using an overlapping image region taken from the first and second cameras.

First of all, Okauchi does not teach, including the portions cited by the Examiner, at least the above described feature of the claimed invention, i.e., finishing of an associating operation of images upon reception of the instruction for changing the optical system condition. For example,

one of the cited portions (i.e., col. 15, line 57 - col. 18, line 25) merely teaches that correspondence data such as zoom/focusing lens positions and distances to an object are written in the EEPROM 16. The cited portion further teaches that a hill-climbing method is used as an automatic focusing point adjustment by evaluating a video signal. Another cited portion (i.e., col. 23, lines 47-50) describes that “[w]hen an object or the cameras [sic] moves and a re-focusing operation is required, the focusing is performed based on the signals from the designated areas 96, 97 if the above-mentioned setting state is left unchanged.”

Moreover, while the present invention is utilized in, e.g., an image processing apparatus for panoramic images where an association process between the sensed images is sensitive to the settings of the optical system, Okauchi is directed to a multi-eye image pick-up apparatus for stereoscopic images where the association process is less critical than the panoramic images.

Thus, Applicants respectfully submit claims 17, 31 and 45 are neither taught nor suggested by the cited art for at least these reasons. Nonetheless, claim 17 is amended to further clarify the recited language. In particular, claim 17 as amended recites an “optical system condition change instruction means for outputting a signal indicating that the optical system of said image sensing lens is operated by a user.”

As a result, Applicants believe that each of independent claims 17, 31 and 45 is neither anticipated by nor rendered obvious in view of the two cited references (i.e., Katayama and Okauchi) taken either alone or in combination, for at least the reasons discussed above. Furthermore, Applicants also believe that there is no motivation to combine the two references to reject the pending claims.

PATENT

Application Serial No. 09/265,070  
Amendment dated February 23, 2004  
Reply to Final Office Action of October 22, 2003  
Docket No. 1232-4519

Reconsideration and withdrawal of the rejections of claims 17, 31 and 45 under 35 U.S.C. §103(a) is respectfully requested.

Applicants have not individually addressed the rejections of the dependent claims because Applicants submit that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicants however reserve the right to address such rejections of the dependent claims should such be necessary.

Applicants believe that the application is in condition for allowance and such action is respectfully requested.

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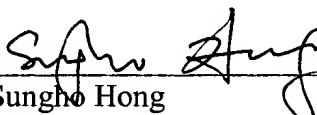
**AUTHORIZATION**

A petition for a one-month extension of time along with the associated fee is enclosed, extending the date for responding until February 23, 2004 (as February 22, 2004 falls on Sunday). Should an additional extension of time be required to render this paper timely filed, such extension is hereby petitioned and the Commissioner is authorized to charge any other fees necessitated by this Amendment, or credit any overpayment to our Deposit Account No. 13-4500 (Order No. 1232-4519). **A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.**

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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Dated: February 23, 2004

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